

California's Private Attorneys General Act (PAGA) – Litigation And Compliance Manual - 2nd Edition

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Some of the most impactful changes to California law involve the Private Attorneys General Act of 2004 ("PAGA"). The law has been nicknamed the "**Sue Your Boss Law**" because it motivates employees to sue employers to recover substantial penalties. California employers now are hit with as many as 10 to 35 PAGA actions a day. The scope of PAGA and its impact emphasize the need to understand California's extensive rules and commit to total compliance.

The law encourages lawsuits and discourages employees from using internal complaint procedures to resolve problems. Penalties for a single violation can equal **\$100 for each employee times the number of pay periods**. As an example, an employer with only 100 employees could face penalties of **\$10,000 per pay period** for just one violation. Strikingly, the penalties can be doubled for subsequent violations.

In this publication, Attorneys Richard J. Simmons, Daniel J. McQueen, and Ryan J. Krueger from the law firm of Sheppard, Mullin, Richter & Hampton LLP examine PAGA from top to bottom. In addition to reviewing every section of the law, the book delves deeply into the cases that have construed it, the hurdles that employees must exhaust before filing a lawsuit, litigation strategies, defenses, the effect of arbitration agreements on PAGA actions, and compliance issues. It includes an in-depth review of the purpose and structure of PAGA, meal period, rest period, pay stub, seating and other claims, trial strategies, damages and remedies.

The publication emphasizes compliance rules and includes a number of checklists. One checklist allows employers to audit their policies and practices. It also provides an extensive review of key cases, including a chapter devoted to the Supreme Court cases in the field since 2004. The authors identify proactive strategies, high risk areas, and valuable guidance designed to aid compliance efforts and reduce exposure to liability.

Among the subjects covered in this publication are:

- **The View Of PAGA From The California Supreme Court**
- **The Importance Of Self-Audits**
- **Targets Of Audits**
- **Civil Penalties & Remedies**
- **Significance Of Category 1 And 2 Statutes**
- **Opportunity To Cure Violations**

- Checklists & High Risk Areas
- Liabilities
- Penalty Rules
- Class Action Claims

- Exhaustion Requirements
- One-Sided Attorney's Fee Provision
- Avoiding Litigation
- Notification Rules
- Labor Code Checklist
- Role Of Legal Counsel
- Litigation Strategies
- Exhaustion Rules
- Role Of LWDA
- The Issues Associated With *Chindarah v. Pick Up Stix Settlements*

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Practice Areas

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